**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION No. 13117 of 2006**

**Dated: 10.07.2006**

**Between:**

Pagidi Ramya D/o P.Raghunatha Reddy
R/o Proddatur, Kadapa District.

… **PETITIONER**

**And:**

The Government of Andhra Pradesh,
Represented by its Principal Secretary,
Higher Education (EC) Department,
Secretariat, Hyderabad and others.

…. **RESPONDENTS**

**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION No. 13117 of 2006**

**ORDER:**

This writ petition is filed seeking a Writ of Mandamus to direct the respondents to treat the percentage of marks secured by the petitioner in Intermediate Public Examination as 60 per cent, for the purpose of admission into professional course under management quota.

The petitioner has completed her Intermediate Course. She is intending to join a professional course i.e, Engineering. In the Intermediate examinations, she has secured aggregate percentage of marks at 59.7 per cent. As per the rules notified in G.O.Ms.No.53 dated 10.05.2006, which are framed in exercise of powers under Sections 3 and 15 of Andhra Pradesh Educational Institutions

(Regulation of admission and Prohibition of capitation fee) Act, 1983, the minimum required percentage is 60 per cent. The grievance of the petitioner is that though she has secured more than 59 percentage of marks, she is deprived of admission into professional course.

The only basis on which the petitioner claims the relief is the Circular Instructions issued by the Osmania University in proceedings No.612/D.351/II/77/Acad, dated 04.02.1978, in which the University has issued instructions to the effect that while calculating the percentage of marks for admission to various professional courses, 0.5 per cent and more shall be treated as one per cent.

However, it is to be seen that there is no such provision in the statutory rules framed in G.O.Ms.No.53 dated 10.05.2006 to round up the percentage to 60 per cent, by upgrading. The petitioner has secured only 59.7 per cent and in the absence of any notification to that effect by the Board or Convener or any provision in the Rules referring to the proceedings issued by the University, which is Primarily Governed by the Provisions of A.P. Universities Act, the petitioner cannot seek such a declaration by way of a Writ of Mandamus.

In that view of the matter, the petitioner is not entitled to the relief as sought for. However, I keep it open to the petitioner to make a representation in this regard to the State Council of Higher Education to extend the benefit of the proceedings of the University, dated 04.02.1978. If such an application is filed, it is equally open to the respondents to consider the same and pass appropriate orders.

Subject to the above observations, the writ petition is disposed of. There shall be no order as to costs.

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10.07.2006

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